

**SUPREME COURT MINUTES
THURSDAY, MARCH 26, 1998
SAN FRANCISCO, CALIFORNIA**

S056373 Charles Scott Hughes, Plaintiff and Appellant
v.

Board of Architectural Examiners, Defendant and Appellant

We reverse the judgment of the Court of Appeal and remand the matter to that court to permit it to decide the remaining issue that it previously did not consider — whether the Board imposed an excessive sanction in revoking Hughes's license. (DaFonte v. UpRight, Inc. (1992) 2 Cal.4th 593, 604-605; Cal. Rules of Court, rule 29.4(b).)

George, C.J.

We Concur:

Kennard, J.

Baxter, J.

Werdegar, J.

Brown, J.

Croskey, J.*

*Honorable H. Walter Croskey, Associate Justice, Court of Appeal, Second Appellate District, Division 3, assigned by the Chief Justice pursuant to article VI, section 6, of the California Constitution.

Dissenting Opinion by Mosk, J.

S060985 Valley Medical Transport, Inc., Plaintiff and Respondent
v.

Apple Valley Fire Protection District et al.,

Defendants and Appellants;

County of San Bernardino et al., Defendants and Respondents

. . . . [w]e affirm the judgment of the Court of Appeal,

Mosk, J.

We Concur:

George, C.J.

Kennard, J.

Baxter, J.

Werdegar, J.

Chin, J.

Brown, J.

S008005 People, Respondent

v.

Charles Dell Riel, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 29, 1998.

S018665 People, Respondent

v.

Milton Otis Lewis, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's reply brief is extended to and including May 4, 1998.

S020032 People, Respondent

v.

Raymond Anthony Lewis, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to and including April 20, 1998.

No further extensions of time will be granted.

S021331 People, Respondent

v.

Curtis Lee Ervin, Appellant

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's brief is extended to and including April 24, 1998.

S028804 People, Respondent

v.

Jessie Ray Moffett, Appellant

On appellant's application and good cause appearing, appellant is granted to and including May 19, 1998, to request correction of the record on appeal in the superior court. Counsel shall notify the Supreme Court clerk in writing when the request has been made.

S032509 People, Respondent

v.

Erik Sanford Chatman, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including May 29, 1998, to request correction of the record on appeal. Counsel for appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of time has been completed.

S035368 People, Respondent

v.

Enrique Zambrano, Appellant

On application of appellant and good cause appearing, it is ordered that the appellant is granted to and including June 1, 1998, to request correction of the record on appeal. Counsel has appellant is ordered to notify the Clerk of the Supreme Court in writing as soon as the act as to which the Court has granted an extension of itme has been completed.

S058027 People, Respondent

v.

Jose Luis Mendoza et al., Appellants

On application of appellant Juan Manuel Valdez and good cause appearing, it is ordered that the time to serve and file appealant Valdez's reply brief on the merits is extended to and including April 23, 1998.

No further extensions of time will be granted.

S060624 In re Oscar Gates

on

Habeas Corpus

On application of Attorney General and good cause appearing, it is ordered that the time to serve and file respondent's informal response to the petition for writ of habeas corpus is extended to and including April 17, 1998.

S062266 People, Respondent

v.

Larry Salvador Martinez, Appellant

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits is extended to and including April 20, 1998.

S063051 In re Lance Ian Osband

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to informal response to the petition for writ of habeas corpus is extended to and including April 29, 1998.

S063612 Sharon P., Appellant

v.

Arman, Limited et al., Respondents

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's answer brief on the merits is hereby extended to and including April 17, 1998.

S063737 In re David Bloxton

on

Habeas Corpus

On application of petitioner and good cause appearing, it is ordered that the time to serve and file petitioner's reply to the Attorney General's informal response to the petition for writ of habeas corpus is extended to and including April 13, 1998.

S064388 People, Respondent

v.

Luis Castellanos, Appellant

The application of Brissman and Schueter for permission to file an amicus curiae brief in support of appellant is hereby granted.

An answer thereto may be served and filed by any party within twenty days of the filing of the brief.

S066874 Mary Kobzoff et al., Appellants

v.

Harbor UCLA Medical Center et al., Respondents

On application of respondent (County of Los Angeles) and good cause appearing, it is ordered that the time to serve and file respondent's brief on the merits is hereby extended to and including April 20, 1998.

S067462 Ronald A. Wooster et al, Respondents

v.

Mercury Insurance Group, Appellant

On application of respondents and good cause appearing, it is ordered that the time to serve and file respondents' opening brief on the merits is extended to and including April 27, 1998.

S045302 In re **Darnel A. Parker** on Discipline

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in S045302 (93-C-17740) is lifted, and **Darnel A. Parker** shall be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for three years subject to the conditions of probation, including 90 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Amended Decision filed December 23, 1997. He is also ordered to comply rule 955, California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business & Professions Code, § 6086.10 and are payable in accordance with Business & Professions Code, § 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S067305 In re **Robert Clifford Cannon** on Discipline

It is ordered that **Robert Clifford Cannon** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its decision filed October 30, 1997. It is further ordered that he take and pass the Multistate

Professional Responsibility Examination, and provide the State Bar Probation Unit with satisfactory proof of his passage of that examination, within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code, § 6086.10 and are payable in accordance with Business & Professions Code, § 6140.7.

S067307 In re **David Lynn** on Discipline

It is ordered that **David Lynn** be suspended from the practice of law for 60 days, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 21, 1997, as modified by its order filed December 15, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code, § 6086.10 and are payable in accordance with Business & Professions Code, § 6140.7.

S067309 In re **Joseph Henry Marman** on Discipline

It is ordered that **Joseph Henry Marman** be suspended from the practice of law for 14 days, that execution of suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 22, 1997, ad modified by its order filed December 17, 1997. The period of probation shall be consecutive to the period of probation imposed in S045983 (92-O-13001; 93-O-16441). Costs are awarded to the State Bar and one-half of said costs shall be added to and become part of the membership fees for the years 1998 and 1999. (Costs are awarded to the State Bar pursuant to Business & Professions Code, § 6086.10.)

S067339 In re **Stephen Leslie Wheeler** on Discipline

It is ordered that **Stephen Leslie Wheeler** be suspended from the practice of law for one year, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 30 days actual suspension,

recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed November 14, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination administered by the National Conference of Bar Examiners, and provide the State Bar Probation Unit with satisfactory proof of his passage of that examination, within one year after the effective date of this order, unless he has previously passed said examination pursuant to the order imposing discipline in S055487 (93-O-17556). (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code, § 6086.10 and are payable in accordance with Business & Professions Code, § 6140.7 (as amended effective January 1, 1997).

S067341

In re **Jeffrey John Wiebe** on Discipline

It is ordered that **Jeffrey John Wiebe** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 90 days actual suspension and until he makes restitution to Tomeka Jones in the amount of \$900 plus 10 percent interest per annum from January 14, 1995, and furnishes satisfactory proof thereof to the Probation Unit, State Bar Office of Trials. Should he be actually suspended for two years or more, he shall remain on actual suspension until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed November 12, 1997. It is also ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.) It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar pursuant to Business & Professions Code

§ 6086.10 and are payable in accordance with Business & Professions Code § 6140.7 (as amended effective January 1, 1997).

*(See Business & Professions Code, § 6126, subd. (c).)

S067342 In re **Basil E. Clark** on Discipline

It is ordered that **Basil E. Clark** be suspended from the practice of law for five years, that execution of said suspension be stayed, and that he be placed on probation for five years on conditions including his actual suspension for four years and until he makes restitution to Nasser Chorakchi in the amount of \$2,000, to Alicia Bolden in the amount of \$3,800, to the Florence Medical Clinic on behalf of Hilda Bernal, Claudia Reyes, Leslie Moraga and Ysauro Montaas in the respective amounts of \$3,888, \$3,570, \$4,156 and \$3,883, to Evan Owens in the amount of \$1,030, to Herbert Tolentino in the amount of \$4,335, to Georgiana Bangura in the amount of \$9,000, to Susan James in the amount of \$8,000 and to John Collum in the amount of \$3,086, or to the State Bar Client Security Fund if appropriate, plus 10% *per annum* interest from February 28, 1997, and furnishes satisfactory proof thereof to the State Bar Probation Unit. He is to remain actually suspended until he has satisfactorily shown his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii), Standards for Attorney Sanctions for Professional Misconduct. He is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Further Order Regarding Stipulation filed November 17, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination and provide the State Bar Probation Unit with satisfactory proof of his passage of that examination within the period of his actual suspension. It is further ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs payable in accordance with Business & Professions Code § 6140.7 are awarded to the State Bar pursuant to Business & Professions Code § 6086.10.

*(See Business & Professions Code, § 6126, subd. (c).)

S067343 In re **Roni Rotholz** on Discipline

It is ordered that **Roni Rotholz** be suspended from the practice of law for two years, that execution of suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation, including 60 days actual suspension, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 16, 1997. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn 8.) Costs are awarded to the State Bar pursuant to Business & Professions Code § 6086.10 and payable in accordance with Business & Professions Code § 6140.7 as amended effective January 1, 1997.

S067344 In re **Samuel N. Anya-Gafu** on Discipline

It is hereby ordered that **Samuel N. Anya-Gafu** be disbarred from the practice of law and that his name be stricken from the roll of attorneys. He is also ordered to comply with rule 955, California Rules of Court, and to perform with acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)

S068804 In the Matter of the Resignation of **Nicholas John MacCarone**
A Member of the State Bar of California

The voluntary resignation of **Nicholas John MacCarone** as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against him should he hereafter seek reinstatement. It is ordered that he comply with rule 955, California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 60 and 70 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Business & Professions Code, § 6126, subd. (c).)